

**REMARKS/ARGUMENTS**

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 1-31 were rejected in the office action. Claims 1, 3, 6, 12, 26, 28 and 31 have been amended. Claims 32-34 have been added. Following entry of the present response, claims 1-34 will be pending in the present application.

Applicant would like to thank Examiner Gauthier for agreeing to conduct a telephonic interview on August 27, 2003. Although agreement as to specific claim amendment was not reached, the discussion helped the applicant provide further clarification of the invention in the present response. Also, the discussion with Examiner Gauthier was helpful in facilitating and progressing the prosecution of the present application.

Claims 1, 2, 4, 5, 14, 15 and 22-28 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,251,251 to Barber et al. ("Barber"). In particular, the office action contends that Brunson teaches a method of personalizing voice mail messages by, *inter alia*, creating recorded messages according to distinct personalities for interacting with a voice mail system. Applicant has amended the present claims to overcome any confusion with the claim terms, and thus believe that the presently amended claims are patentable over Barber.

The claims of the present invention have been amended to eliminate recitation to "personalities" and to further clarify the invention. In particular, claims 1, 3, 6, 12, 26, 28 and 31 have been amended to make explicit that which was previous implicit in the claims; namely, that sets of recorded messages are created having a distinct "mood." As recited in new claim 34, this mood may include, for example, happy serious, verbose, terse,

temperamental, and good-natured. Also, claims 32 and 33 have been added to recite that the present invention includes creating sets of recorded messages that each have other distinct voice characteristics including, for example, the speed of the voice, voice dialect, accent, language and pitch. Support for the presently amended claims and for the new claims may be found throughout the present specification, and particularly on page 2, lines 17-26, page 13, lines 20-30, page 14, lines 1-3 and page 22, lines 16-22, for example.

The language of these amended and newly added claims are to be distinguished from Barber, which as noted in the office action, is directed to using recorded messages by celebrity personalities and celebrity impersonators in a voice mail system. (*Barber* – column 3, lines 56-57). As noted, the claims of the present invention have been amended to be distinguished from celebrity personalities as recited in Barber, and certain voice characteristics like dialect and accent as with the present invention.

Accordingly, because Barber does not teach or suggest the present invention, applicant respectfully requests withdrawal of the rejection of claims 1, 2, 4, 5, 15, 15 and 22-28 under 35 U.S.C. §102 (b) over Barber.

Claim 3 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 4,850,005 to Hashimoto in view of Laskowski (1997 LJI Seminars). Also, claims 6-8 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of Hashimoto. In addition, claims 9-11 and 29-30 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of U.S. Patent No. 6,005,928 to Johnson, and claims 12-23 and 31 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of Hashimoto and Johnson. Finally, claims 16-17 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of U.S. Patent No. 4,785,473 to Pfeiffer et al.

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("Pfeiffer"), claim 18 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of Pfeiffer and U.S. Patent No. 5,905,774 to Tatchell *et al.* ("Tatchell"), claims 19-20 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of Pfeiffer and U.S. Patent No. 5,825,871 to Mark, and claim 21 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over Barber in view of Pfeiffer and U.S. Patent No. 5,930,700 to Pepper *et. al* ("Pepper").

For the reasons stated above for overcoming the §102 (b) rejection over Barber, applicant respectfully requests withdrawal of the above rejections of claims 3, 6-23 and 29-31 under 35 U.S.C. §103 (a).

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### **CONCLUSION**

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

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